

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4810 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SABARKANTHA JILLA ADIVASI KALYAN SAMITI

Versus

STATE OF GUJARAT

Appearance:

SERVED for Petitioner

B.Y. Mankad, AGP for Respondent No. 1, 3

SERVED for Respondent No. 2

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 21/02/97

ORAL JUDGEMENT

The petitioner herein is a trust engaged amongst

others in the activities of imparting primary education to the children of the weaker sections in the rural areas. The petitioner was given permission to open an ashram shala by the Government vide order dated 6.3.1981 which was subject to the conditions mentioned therein. It appears that those conditions were not followed and the school was also not started. Hence, a show-cause notice was given to the said school - trust on 31st May 1984 and after hearing them, an order came to be passed on 15th March 1985 cancelling the recognition granted earlier. That order has been challenged in this special civil application.

2 After the notice was issued to the respondents, Under Secretary to the Government, Department of Social Welfare, has filed an affidavit-in-reply affirmed on 1st March 1986. Thereafter the petition came to be admitted on 2nd April 1986. The respondents have not chosen to file any further affidavit-in-reply and are adopting the one which was filed at the admission stage as a reply to the petition. The reply reiterates that the ashramshala was not started at the stipulated place and hence the State authorities gave permission to another institution, namely, Ambedkar Seva Mandal to start the school at the concerned village Nava Revas. No rejoinder has been filed to this reply. It is also stated in para 8.3 that the decision was taken after hearing the representatives of the petitioner.

3 It appears from the record that the learned advocate who was appearing for the petitioner subsequently became a judge of this Court and hence a fresh notice was issued to the petitioner-institution which was served on 23rd November 1992. They have not cared to engage any advocate thereafter. There has not been any stay in this matter right from the time the petition was admitted. Under these circumstances, inasmuch as the petitioner-school does not seem to be interested in following up the matter, there is no reason to keep the matter pending any further. Apart therefrom, there is no substance in the grievance made out in the petition as stated above. Under these circumstances, the petition is rejected. Rule is discharged.

(mohd)